

1 ANGELICA M. DIAS, SBN 305461
2 HOMELESS ACTION CENTER
3 3126 Shattuck Avenue
Berkeley, CA 94705
Phone: (510) 540-0878 x 310
Fax: (510) 540-0403
4 adias@homelessactioncenter.org

5 Attorney for Plaintiff

6 SOCIAL SECURITY ADMINISTRATION
TINA NAICKER
7 160 Spear Street, Suite 800
San Francisco, CA 94105
Phone: (415) 977-8975
Fax: (415) 744-0134
9 tina.naicker@ssa.gov

10 Attorney for Defendant

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 RAHAMON WAKING SAVAGE,) CIVIL NO.: 3:18-CV-07151-^{RMI}
15) ~~EDL~~
16 Plaintiff,) STIPULATION TO PLAINTIFF'S
17 vs.) AWARD OF ATTORNEY'S FEES
18 ANDREW SAUL,) AND COSTS AND PROPOSED
Commissioner of Social Security,) ORDER
19)
Defendant.)
20)
21)
-----)

22 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
23 counsel, subject to the approval of the Court, that Plaintiff's counsel, as Plaintiff's assignee, be
24 awarded attorney fees under the Equal Access to Justice Act (EAJA) in the amount of FIVE
25 THOUSAND DOLLARS (\$5,000.00). This amount represents compensation for all legal

1 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
2 accordance with 28 U.S.C. §§ 1920, 2412(d).

3 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
4 attorney fees, and does not constitute an admission of liability on the part of Defendant under
5 the EAJA. Payment of five thousand dollars (\$5,000.00) in EAJA attorney fees shall constitute
6 a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees,
7 expenses, and/or costs in connection with this action.

8 After this Court issues an order for EAJA fees to Plaintiff, the Commissioner will
9 consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. The ability
10 to honor the assignment will depend on whether the fees are subject to any offset allowed
11 under the United States Department of the Treasury's Offset Program and the Commissioner
12 will determine whether the fees are subject to an offset. *See Astrue v. Ratliff*, 560 U.S. 586,
13 598 (2010). Any payment shall be made payable to Plaintiff, but if the Department of the
14 Treasury determines that Plaintiff does not owe a Federal debt, then the Commissioner shall
15 cause the payment of fees and costs to be made directly to Plaintiff's counsel pursuant to the
16 assignment executed by Savage (attached).

17 This award is without prejudice to the rights of Plaintiff's counsel to seek Social
18 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
19 the EAJA.

20 Respectfully Submitted,

21 Dated: June 9, 2020

22 HOMELESS ACTION CENTER
23 By: /s/ Angelica M. Dias
ANGELICA M. DIAS
24 Attorney for Plaintiff

25 By: /s/ Tina L. Naicker
TINA L. NAICKER
Special Assistant United States Attorney
[*As authorized by email on June 9, 2020]

1
2 **ORDER**
3

4 Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act
5 Fees And Costs, IT IS ORDERED that Plaintiff shall be awarded attorney fees under the EAJA
6 in the amount of five thousand dollars (\$5,000.00), as authorized by 28 U.S.C. §§ 1920,
7 2412(d), subject to the terms of the above-referenced Stipulation.
8

9 APPROVED AND SO ORDERED:
10

11 DATED: 6/10/2020

12 
13 THE HONORABLE ROBERT M. ILLMAN
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25